

REMARKS

This Preliminary Amendment is in support of Applicant's Request for Continued Examination and is response to the Office Action mailed on January 13, 2004.. Applicant discovered that the USPTO previously determined that inventions from the "clean" water industry is not prior art in the "dirty water industry. See File history to United States Patent 4,672,691, which is incorporated herein by reference. Claims 5, 18 and 28 (from those previously held to be allowable) have been amended in view of this information.

Specifically "clean water" generally refers to water of sufficient quality to swim in and/or drink. "Dirty water" refers to sewage or other treatment type ponds. Covers for clean water seek to keep contaminants out of the water, while dirty water covers seek to release gas to the atmosphere or further processing. The needs of these two distinct types of water are so different that they are two different fields in the commercial world. A person working the field of clean water would not know what is available in the dirty water market an vice versa. Even if per chance one skilled in the art of one field knew of something from the field they would not believe it works, because the criteria with which they are working are radically different. A full explanation is found in the declaration of Claude G. Degarie, found in the file history of US. 4,672,691 and the Associated Amendment and Response After Final. Applicant makes his request under 37 C.F.R. §1.104(d)(2) or for suitable other support if the Examiner asserts this Applicant is not entitled to the same treatment as the applicant in 4,672,691 received on the same issue.

Antecedent basis for the changes in 5 and 18 is found on pages as part number 7, e.g. a specific type of fastener, and antecedent basis for the change in claim 28 is found in col. 1, Ins. 1 and 2 of the underlying patent, e.g. dirty water. Other changes concerned removal of language for which antecedent basis is not required.

In the specific situation, Applicant was the first to discover that the use of fasteners between panels was sufficient for releasing gases from dirty water ponds. Prior dirty water ponds used tubes to release the gas, such as that found in United States Patent 4,672,691. Applicant further asserts that "clean water" references do not disclose that they will properly release gas from dirty water ponds.

Applicant submits that all objections and rejections have been overcome and should be withdrawn and that the patent sought to be re-issued is in a condition for allowance. Notice to that effect is respectfully requested. Any questions concerning this application may be directed to **N. Paul Friederichs at (612) 862-0517.**

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APPENDIX A

1. (Original) A pond cover comprising:
 - a plurality of panel units linked together;
 - means for insulating said pond cover, said insulating means comprising a generally rectangular layer of insulation wherein each of said panel units is filled internally with said layer of insulation and is sealed at either end and along either side by welding; and
 - means for linking said panel units together and securing said pond cover in position on a pond, said linking means comprising grommets disposed along said sealed end of each of said panel units, and each of said panel units is linked in vertical spaced relationship to an adjacent panel unit by at least one cable disposed through said vertical spaced grommets and formed into a loop projecting above said panel units, and said securing means including a second cable which is disposed through an entire row of said loops and is anchored at either of its end to an anchoring means.
2. (Original) The pond cover of claim 1 wherein the loops disposed through the grommets project both above and below the panel units.
3. (Original) The pond cover of claim 1 wherein the loops disposed about the second cable are disposed through said grommets.

4. (Original) A pond cover comprising:

a plurality of panel units linked together;

means for insulating said pond cover, said insulating means comprising a generally rectangular layer of insulation wherein each of said panel units is filled internally with said layer of insulation and is sealed at either end and along either side by welding; and

means for linking said panel units together and securing said pond cover in position on a pond, said linking means comprising grommets disposed along said sealed end of each of said panel units, and each of said panel units is linked in vertical spaced relationship to an adjacent panel unit by at least one cable disposed through said vertical spaced grommets and formed into a loop projecting above said panel units, and said securing means including a second cable which is disposed through a row of said loops and is anchored at either of its end to an anchoring means.

5. (Amended) A pond cover comprising:

a plurality of panels;

means for linking and de-linking the panels comprising openings defined in the panels and fasteners interconnecting the adjacent panels through adjacent openings in the panels; and.

means for securing the panels over dirty water.

6. (Original) The pond cover of claim 5 wherein the panels are rectangular.
7. (Original) The pond cover of claim 5 wherein the panels are formed of a geomembrane.
8. (Original) The pond cover of claim 5 wherein the panels are approximately seven and one-half feet wide and approximately forty feet long.
9. (Original) The pond cover of claim 5 further comprising:
means for controlling temperature.
10. (Original) The pond cover of claim 9 wherein the means for controlling temperature comprises:
insulation material sealed inside the panels.
11. (Original) The pond cover of claim 10 wherein the insulating material is sealed inside the panels by a weld.

12. (Original) The pond cover of claim 9 wherein the means for controlling temperature comprises:

a rectangular layer of insulation.

13. Canceled

14. (Original) The pond cover of claim 5 wherein the means for linking further comprises:

grommets circumscribing the openings.

15. (Original) The pond cover of claim 5 wherein the openings are adjacent to edges of the panels.

16. (Original) The pond cover of claim 5 wherein the openings of adjacent panels are in a vertical spaced relationship.

17. Canceled

18. (Amended) The pond cover of claim 5 further comprising:

means for locking and unlocking fasteners relative to the openings in the panels.

19. (Original) The pond cover of claim 5 further comprising:
means for anchoring the cover in a desired position.
20. (Original) The pond cover of claim 19 wherein the means for anchoring comprises:
at least one tie-down cable; and
means for anchoring the tie-down cable.
21. (Original) The pond cover of claim 19 wherein the anchoring means comprises an anchoring trench.
22. (Original) The pond cover of claim 20 wherein the tie-down cable interacts with the means for linking.
23. (Original) The pond cover of claim 5 wherein the means for linking joins the panels in a partially overlapping relationship.
24. (Original) The pond cover of claim 5 wherein the cover is supported above aqueous solutions.
25. (Original) The pond cover of claim 5 wherein the cover is a waste treatment pond cover.

26. (Original) The pond cover of claim 5 wherein the means for linking and de-linking the panels, includes an elongated member which passes through an opening in at least one panel.

27. (Original) The pond cover of claim 5 wherein the cover overlies a tank.

28. (Amended) A method of manipulating a pond cover comprising the steps of:
 forming a plurality of panels defining openings;
 linking adjacent panels through adjacent openings with at least one fastener, while the panels are disposed over dirty water; and
 de-linking the plurality of panels.

29. (Original) The method of claim 28 wherein the step of forming further comprises the step of:
 forming rectangular panels.

30. (Original) The method of claim 29 wherein the step of forming further comprises the step of:
 forming panels that are approximately seven and one-half feet wide and approximately forty feet long.

31. (Original) The method of claim 28 wherein the step of forming further comprises the step of:

forming a plurality of panels from a geomembrane.

32. (Original) The method of claim 28 wherein the step of forming further comprises the step of:

insulating the panels.

33. (Original) The method of claim 32 wherein the step of insulating further comprises the step of:

sealing insulation inside the panels.

34. (Original) The method of claim 33 wherein the step of sealing further comprises the step of:

welding the insulating material inside the panels.

35. (Original) The method of claim 32 wherein the step of insulating further comprises the step of:

insulating with a rectangular layer of insulation.

36. (Original) The method of claim 28 wherein the step of linking further comprises the steps of:

defining openings in the panels; and
interconnecting the openings.

37. (Original) The method of claim 28 wherein the step of forming further comprises the step of:

circumscribing the openings with grommets.

38. (Original) The method of claim 28 wherein the step of forming further comprises the step of:

defining the openings adjacent to edges of the panels.

39. (Original) The method of claim 28 wherein the step of linking further comprises the step of:

orienting the openings of adjacent panels in a vertical spaced relationship.

40. (Original) The method of claim 28 wherein the step of linking further comprises the step of:

inserting a cable through at least one loop forming at least one fastener.

41. (Original) The method of claim 40 wherein the step of linking further comprises the step of:

locking and unlocking the loop relative to the openings in the panels.

42. (Original) The method of claim 28 further comprising the step of:

anchoring the cover.

43. (Original) The method of claim 42 wherein the step of anchoring further comprises the step of:

anchoring the cover with an anchoring trench.

44. (Original) The method of claim 42 wherein the step of anchoring further comprises the step of:

anchoring the cover with at least one tie-down cable.

45. (Original) The method of claim 40 further comprising the step of:

anchoring the cover with at least one tie-down cable, the tie-down cable passing through at least one fastener.

46. (Original) The method of claim 28 wherein the step of linking further comprises the step of:

orienting the panels in a partially overlapping relationship.

47. (Original) The method of claim 28 further comprising the step of:

supporting the cover above aqueous solutions.

48. (Original) The method of claim 28 wherein the step of linking further comprises the step of:

linking the panels together to cover a waste treatment pond.

49. (Original) A pond cover, comprising:

- A) a plurality of panel units connected together in a vertical spaced relationship at their ends;
- B) a plurality of grommets disposed at the connected ends;
- C) a cable disposed through the grommets and formed into a loop projecting above the panel units; and
- D) a cable disposed through the row of loops.